

Docket No.: 1268-073

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Shai YARKONI et al.

Serial No. 09/147,346

Filed: December 4, 1998

For: CHIMERIC TOXINS FOR TARGETED THERAPY

BOX MISSING PARTS

APPLICATIONS BRANCH

RESPONSE TO NOTICE  
OF MISSING PARTS OF APPLICATION

Honorable Commissioner of  
 Patents and Trademarks  
 Washington D.C. 20231

Sir:

In response to the Notice of Missing Parts of Application dated January 28, 1999, submitted herewith are the following documents for filing in the above-referenced application:

1. Declaration and Power of Attorney (which is in compliance with 37 CFR 1.497 (a) and (b))
2. Verified Statement Claiming Small Entity Status
3. Late Filing Fee Surcharge of \$65.00
4. Transmittal Letter

Please find enclosed a check in the amount of \$65.00 for late filing of the Declaration. To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayments to Deposit Account 07-1337.

It is requested that the official filing receipt now be issued.

03/04/1999 PVOLPE 00000095 09147346

01 FC:254

65.00 OP

Respectfully submitted,

LOWE, HAUPTMAN-GOPSTEIN GILMAN &amp; BERNER, LLP

Benjamin J. Hauptman  
 Registration No. 29,310

1700 Diagonal Road, Suite 310  
 Alexandria, Virginia 22314  
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 March 1, 1999

PTO/PCT Rec'd 01 MAR 1999

09/147346

FOR PTO-1390		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER 1268-073
<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>			U.S. APPLIC. NO. (if known, see 37 CFR 1.5) 09/147,346
INTERNATIONAL APPLICATION NO. PCT/IL97/00180	INTERNATIONAL FILING DATE 4 June 1997	PRIORITY DATE CLAIMED 4 June 1996	
TITLE OF INVENTION CHIMERIC TOXINS FOR TARGETED THERAPY			
APPLICANT(S) FOR DO/EO/US S. YARKONI et al.			
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:			
1.	<input type="checkbox"/>	This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.	
2.	<input checked="" type="checkbox"/>	This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.	
3.	<input type="checkbox"/>	This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).	
4.	<input type="checkbox"/>	A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.	
5.	<input type="checkbox"/>	A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> has been transmitted by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US)	
6.	<input type="checkbox"/>	A translation of the International Application into English (35 U.S.C. 371(c)(2)).	
7.	<input type="checkbox"/>	Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> have been transmitted by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendment has NOT expired. d. <input type="checkbox"/> have not been made and will not be made.	
8.	<input type="checkbox"/>	A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).	
9.	<input checked="" type="checkbox"/>	An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).	
10.	<input type="checkbox"/>	A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).	
Items 11. to 16. below concern other document(s) or information included:			
11.	<input type="checkbox"/>	An Information Disclosure Statement under 37 CFR 1.97 and 1.98.	
12.	<input type="checkbox"/>	An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.	
13.	<input type="checkbox"/>	A FIRST preliminary amendment.	
	<input type="checkbox"/>	A SECOND or SUBSEQUENT preliminary amendment.	
14.	<input type="checkbox"/>	A substitute specification.	
15.	<input type="checkbox"/>	A change of power of attorney and/or address letter.	
16.	<input checked="" type="checkbox"/>	Other items or information. Cover Letter	

U.S. APPLIC. NO. (if known, see 37 CFR 1.50) 09/147,346	INTERNATIONAL APPLICATION NO. PCT/IL97/00180	ATTORNEY'S DOCKET NUMBER 1268-073
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				CALCULATIONS	PTO USE ONLY
17. <input checked="" type="checkbox"/> The following fees are submitted:  <b>Basic National Fee (37 CFR 1.492(a)(1)-(5)):</b> Search Report has been prepared by the EPO or JPO <span style="float: right;">\$930.00</span>  International preliminary examination fee paid to USPTO (37 CFR 1.482) <span style="float: right;">\$720.00</span> No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) <span style="float: right;">\$790.00</span>  Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO <span style="float: right;">\$1070.00</span>  International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) <span style="float: right;">\$98.00</span>  <div style="text-align: right;"><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b></div>				\$ 0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ 130.00	
Claims	Number Filed	Number Extra	Rate		
Total Claims	-20 =		x \$22.00	\$ 0.00	
Independent Claims	-3 =		x \$82.00	\$ 0.00	
Multiple dependent claim(s) (if applicable)			+ \$270.00	\$ 0.00	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 130.00	
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).				\$ 65.00	
<b>SUBTOTAL =</b>				\$ 65.00	
Processing fee of \$130.00 for furnishing the English translation later than the <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$ 0.00	
<b>TOTAL NATIONAL FEE =</b>				\$ 65.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$ 0.00	
<b>TOTAL FEES ENCLOSED =</b>				\$ 65.00	
				Amount to be: refunded	\$
				charged	\$

  

a. ☒ A check in the amount of \$65.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1337. A duplicate copy of this sheet is enclosed.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Benjamin J. Hauptman  
 LOWE HAUPTMAN GOPSTEIN & BERNER, LLP  
 99 Canal Center Plaza, Suite 420  
 Alexandria, VA 22314  
 (703) 684-1111

SIGNATURE \_\_\_\_\_  
 NAME Benjamin J. Hauptman  
 29,310  
 REGISTRATION NUMBER \_\_\_\_\_  
 3/1/99  
 DATE \_\_\_\_\_